REMARKS

Claims 22-69 are pending in the Application and all stand rejected in the Office action mailed June 11, 2009. No claims are amended by this response. Claims 22, 47, and 60 are independent claims. Claims 23-46, 48-59, and 61-69 depend, respectively, from independent claims 22, 47, and 60. Applicants respectfully request reconsideration of claims 22-69, in view of the following remarks.

As an initial matter, Applicants note that a goal of patent examination is to provide a prompt and complete examination of a patent application.

> It is **essential** that patent applicants obtain a prompt yet complete examination of their applications. Under the principles of compact prosecution, each claim should be reviewed for compliance with every statutory requirement for patentability in the initial review of the application, even if one or more claims are found to be deficient with respect to some statutory requirement. Thus, USPTO personnel should state all reasons and bases for rejecting claims in the first Office action. Deficiencies should be explained clearly, particularly when they serve as a basis for a rejection. Whenever practicable, USPTO personnel should indicate how rejections may be overcome and how problems may be resolved. **A failure to follow this approach can lead to unnecessary delays in the prosecution of the application**.

M.P.E.P. § 2106(II) (emphasis added).

As such, the Applicants assume, based on the goals of patent examination noted above, that the current Office Action sets forth "all reasons and bases" for rejecting the claims.

Amendments to the Specification

Applicants have amended the Specification as shown above to update information about related applications. Applicants respectfully submit that these amendments do not add new matter.

Amendments to the Claims

Claims 22, 47, and 60 have been amended to include aspects of dependent claim 41. Claim 41 has been cancelled. Applicants respectfully submit that the amendments to claims 22, 47, and 60 do\ not add new matter.

Claims 31-33, 44, and 45 have been amended to use terms consistent with claim 22. Applicants respectfully submit that these amendments do not add new matter.

Rejections of Claims

Claims 22, 27, 28, 34, 37-41, 43, 45-47, 52-55, 57-60, and 65-69 were rejected under 35 U.S.C. §102(e) as being anticipated by Baum, *et al.* (US 5,761,281, hereinafter "Baum"). Claims 23-25, 29-33, 44, 48-51, 56, and 61-63 were rejected under 35 U.S.C. §103(a) as being unpatentable over Baum in view of Henley, *et al.* (US 5,526,353, hereinafter "Henley). Claims 26 and 64 were rejected under 35 U.S.C. §103(a) as being unpatentable over Baum and Henley, in view of Lev, *et al.* (US 5,729,544, hereinafter "Lev"). Claim 35 was rejected under 35 U.S.C. §103(a) as being unpatentable over Baum in view of Barak (US 5,764,741). Claim 36 was rejected under 35 U.S.C. §103(a) as being unpatentable over Baum in view of Fleischer, III *et al.* (US 5,592,541, hereinafter "Fleischer, III"). Claim 42 was rejected under 35 U.S.C. §103(a) as being unpatentable over Baum in view of Sharman (US 5,774,854). Applicants respectfully traverse the rejections for the reasons set forth during prosecution, and those set forth below.

I. Baum Does Not Anticipate Claims 22, 27, 28, 34, 37-41, 43, 45-47, 52-55, 57-60, And 65-69

Claims 22, 27, 28, 34, 37-41, 43, 45-47, 52-55, 57-60, and 65-69 were rejected under 35 U.S.C. §102(e) as being anticipated by Baum. Applicants respectfully traverse the rejection.

With regard to the anticipation rejections, MPEP 2131 states, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California,* 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). "The identical invention must be shown in as complete detail as is contained in ... the claim." *Richardson v. Suzuki Motor Co.,* 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added). Further, "[t]he elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required." MPEP § 2131 (citing *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990); emphasis added).

Applicants respectfully note that Baum states that "[t]his invention relates generally to the fields of telecommunications, and the processes by which telephone calls are switched and routed into a computer system. More particularly, the invention relates to methods for processing telephone calls which originate from remotely located computers or other data terminals (referred to herein as call originators), and which are destined for receipt by a host computer system." (emphasis added) *Id.* at col. 1, lines 10-17. Baum also states that "[t]he host computer system is linked to the telephone network by a network access server. The call originators may be any type of data terminal, such as a personal computer or credit card swipe which is connected to a modem." *Id.* at Abstract. Thus, Baum relates to data transmission from a data terminal or computer to a host computer system, using modem signals over a telephone network.

With regard to independent claim 22, Applicants respectfully submit that claim 22 has been amended to include aspects of dependent claim 41 so that it now recites "[a] communication system controller comprising: interface circuitry for communicating, with

an information transmission device, at least one of information requesting setup of a call and parameters for configuring the information transmission device, wherein the parameters for configuring the information transmission device comprise information related to the conversion of digitized voice information into an analog voice signal, and an analog voice signal into digitized voice information; at least one processor communicatively coupled to the interface circuitry; and operational software executable by the at least one processor, the operational software causing the at least one processor to produce the parameters for configuring the information transmission device based upon the information requesting setup of a call, the information transmission device thereby communicatively coupling one of a plurality of communication networks to another of the plurality of communication networks." Applicants respectfully submit that the cited art does not teach each and every element of Applicants' claim 22. Applicants respectfully submit that claims 47 and 60 have been amended to recite similar features.

Applicants' claim 22 recites, in part, "interface circuitry for communicating, with an information transmission device, at least one of information requesting setup of a call and parameters for configuring the information transmission device." (emphasis added) In rejecting this portion of Applicants' claim 22, the Office states, in part at page 2, "**(see col. 5 lines 50-60; control signals are exchanged between the network application module (network application module includes all the circuitry shown in Fig. 7A-B) and the modem for configuring the modem)**." (emphasis in original) Thus, Applicants understand the Office to be asserting that the "control signals" of Baum teach Applicants' claimed "parameters for configuring the information transmission device."

Applicants respectfully note, however, that Applicants' claim 22 also recites, in part, "operational software executable by the at least one processor, the operational software causing the at least one processor to produce the parameters for configuring the information transmission device based upon the information requesting setup of a call." In rejecting this portion of claim 22, the Office states, at pages 2-3:

> Baum et al. disclose a communication system controller comprising: ... operational software executable by the at least one processor, the operational software (see col.

> 9 lines 24-32; the network application module 82 functions as an interface and includes software to process control signals to configure the modem) causing the at least one processor to produce the parameters for configuring the information transmission device based upon the information requesting setup of a call (see col. 30 lines 47-50; protocol parameters for configuration of the modem are produced by converting the control signals; where the control signals is extracted from the an incoming call; the call setup and the modem configuration are performed using the extracted control signals (see col. 3 lines 1-12)).

In reviewing the rejection, Applicants respectfully note that the Office does not identify the teaching of Baum that corresponds to Applicants' claimed "information requesting setup of a call." The Office cites Baum at col. 9, lines 24-32, col. 30, lines 47-50, and col. 3, lines 1-12 as teaching Applicants' claimed "operational software," initially asserting that "the network application module 82 functions as an interface and includes software to process control signals to configure the modem." Applicants first address the cited portion of Baum at col. 9, lines 24-32, which states:

> The network access server 30 also includes a network application module 82 which functions as an interface between the software which governs the operation of the network access server and the software of the host computer system. The network application module 82 has a memory (not shown in FIG. 2) which is used when the control signals are correlated with the protocol parameters for the incoming call. The network application module 82 tells the modems in the modem modules 76 what modulation scheme to use, whether the call is synchronous or asynchronous, and what error correction protocol to follow.

This cited portion of Baum teaches that "network application module 82" functions as an interface between the software which governs the operation of the "network access server 30" and the software of the "host computer system." While this passage of Baum does teach that the "network application module 82" functions as an interface, it does not, however, teach anything about "information requesting setup of a call," as claimed, and the Office does not explain how this portion teaches this aspect of Applicants' claim 22. Applicants now turn to Baum at col. 30, lines 47-50, which state:

> Between t_2 and time X, the receiving modem 447 is receiving the multi-frequency tones and is decoding the tones and converting these control signals into protocol parameters for configuration of the modem. (See FIGS. 8. 10, 11).

This cited portion of Baum teaches that the "modem 447" receives and decodes "multi-frequency tones" as "control signals" which are then converted to "protocol parameters" for configuration of the "modem 447." However, this portion of Baum is also silent with regard to "information requesting setup of a call," as recited by claim 22, and again fails to explain how and why any aspect of this passage from Baum may be interpreted to teach this feature of Applicant' claim 22. Therefore, Applicants respectfully submit that the Office has not shown where and why Baum at col. 30, lines 47-50 teach this aspect of Applicants' claim 22. Applicants now address the cited portion of Baum at col. 3, lines 1-12, which states:

> Briefly, in an important aspect of the invention, the invention makes use of the control signals by correlating the control signals to different communications protocols used by the various call originators. The control signals are used to configure the network access server prior to the completion of the call connect process, resulting in significantly reduced communication connection and processing times. The invention further permits the host computer system to process and make use of the control signal in parallel while the call setup and modem configuration process is being performed, In another aspect of the invention, the network access server extracts the control signals and uses the control signals to run specific applications programs (e. g., to do data base look-ups, to set up specific menu screens) or other activities on a customized basis, all based on the extracted control signal. The invention is also capable of performing customized routing of the incoming calls based on the control signals extracted from the incoming call.

The cited portion of Baum shown above teaches that "controls signals" are correlated to different "communication protocols", are used to configure a "network access server", and may be processed and made use of in parallel with "call setup" and "modem configuration." The "control signals" may be used to run specific "applications

programs" to set up specific "menu screens" or other activities based on the "control signals." Routing of the "incoming call" may be customized based on the "control signals" extracted from the incoming call. This segment of Baum, however, also fails to teach or suggest "information requesting setup of a call." The Office fails to set forth any assertion or explanation of how and why one would interpret anything in this portion of Baum as teaching Applicants' "information requesting setup of a call." The Office fails to even identify any request. Applicants respectfully submit that Information requesting "call setup" would necessarily have to be available before "call setup". Baum, however, teaches the processing of "control signals" in parallel with "call setup," and the Office does not explain how such "control information" constitutes a "request," let alone how such information represents "information requesting setup of a call," as claimed. Further, it is clear that Baum knows what a "request" is, in that Baum uses this word to identify "requests" related to, for example, a credit card transaction (*Id.* at col. 3, lines 15-41; col. 7, lines 29-32; col. 30, lines 32-45; col. 31, lines 1-62), and "requests" to "modems 76A-F" (*Id.* at col. 27, lines 13-38), but does not make any mention of information that requests setup of a call, as claimed. Instead, Baum teaches initiation of call processing for an "incoming call" caused by a "trunk seizure." (*Id.* at col. 18, lines 64-67) A seizure of a "trunk" that signals an incoming call is quite different from and does not teach or suggest "information requesting setup of a call." Therefore, for at least these reasons, Applicants respectfully submit that the Office has not demonstrated how and why the cited portions of Baum at col. 9, lines 24-32, col. 30, lines 47-50, and col. 3, lines 1-12, or any other portion or figure of Baum, teach at least Applicants' "information requesting setup of a call." Thus, Applicants respectfully submit that claim is allowable for at least these additional reasons.

In any event, Applicants have amended claim 22 for further clarification, by including aspects of claim 41, so that claim 22 now recites, in part, "wherein the parameters for configuring the information transmission device comprise information related to the conversion of digitized voice information into an analog voice signal, and an analog voice signal into digitized voice information." In rejecting this portion of claim 41, the Office states, at page 4:

> **Regarding claim 41**, Baum et al. further teach wherein the parameters for configuring the information transmission device comprise information related to the conversion of digitized voice information into an analog voice signal, and an analog voice signal into digitized voice information **(see Fig. 1; modem inside network server is configured with configuration parameter (claim 1) to support conversion between digital and analog as shown in Fig. 1)**.

(emphasis in original)

Notably, the Office identifies only Fig. 1 and claim 1 of Baum as support for its rejection of claim 41. The Office asserts that the "modem inside network server is configured with configuration parameter (claim 1) to support conversion between digital and analog as shown in Fig. 1." Applicants respectfully disagree. A review of Fig. 1 clearly shows that the "network [access] server 30" of Fig. 1 of Baum receives signals over what Baum describes as a "four-wire T1 span line 51." (*Id.* at col. 8, lines 1-14) Applicants respectfully submit that those of ordinary skill in the relevant art at the time of the invention would immediately recognize that a "T1" line is a digital communication path. Further, Baum states the following at col. 8, lines 1-14:

> In FIG. 1, the data that is transmitted onto the telephone lines at 40, 42 and 44 is in analog form. The illustration in FIG. 1 assumes that the communication system makes use of the digital public switched telephone network (PSTN) 50 such as the T1 network mentioned previously. The calls from the call originators are digitized and placed into one of the 24 multiplexed channels of the four-wire T1 span line 51 by the telephone company and fed into the network access server 30. As used herein, the term T1 span line refers to to twenty-four 64 kbps (thousand bit per second) DSO channels that are multiplexed in the 1.544 Mbps DS1 rate, with each DSO channel carrying the digital representation of an analog voice channel. The term "trunk", as used herein, refers to a single DSO channel.

The portion of Baum shown above clearly describes that "[t]he calls from the call originators **are digitized** and placed into one of the 24 multiplexed channels of the four-wire T1 span line 51 **by the telephone company and fed into the network access server 30**. Thus, Baum teaches that the "network access server 30" receives and

transmits digital signals via the "T1 span line 51" which is contrary to the assertion by the Office that the "modem inside network server is configured with configuration parameter (claim 1) to support conversion between digital and analog." This is also made clear by Baum beginning at line 1 of the Abstract, which states in part, "[a] method of processing incoming digital telephone calls from remotely located call originators which are destined for receipt by a host computer system." (emphasis added)

In addition, even if Applicants were to agree with the Office, *arguendo,* that Baum teaches that the "modem inside network server is configured with configuration parameter (claim 1) to support conversion between digital and analog," **which Applicants do not**, the mere teaching of support for "conversion between digital and analog" cannot be stretched so far as to teach conversion of "analog voice signals" to/from "digitized voice information," as claimed. Applicants respectfully submit that the disclosure of "digital telephone calls" by Baum is not a teaching of the communication of voice. Applicants respectfully submit that the signals received by the "network access server 30" are "modem signals" or "multi-frequency" tones ("MF" or "DTMF") and are not "analog voice signals" or "digitized voice information," as claimed. Applicants respectfully submit that various mentions of "analog voice channel" by Baum also are not disclosures of "voice signals," but at most, of "voice **band** signals," which include many signals, including the modem signals and multi-frequency signals employed by Baum. Indeed, a review of the entirety of Baum fails to show where Baum teaches that any "modem" of Baum performs conversion of "analog voice signals" to/from "digitized voice information," as required by the language of Applicants' claim 41, now recited by amended claim 22. Therefore, for at least these reasons, Applicants respectfully submit that Baum does not teach or suggest at least this aspect of Applicants' amended claim 22, that the teachings of Baum do not support a *prima facie* case of anticipation, as required by M.P.E.P. §2131, and that amended claim 22 is allowable over Baum for these additional reasons. Applicants respectfully submit that claims that depend from claim 22 are allowable for additional reasons.

With regard to claims 39 and 40, the Applicants respectfully submit that the Office has not shown how and why the cited art teaches all of the aspects of Applicants' claims 39 and 40. Office asserts the following, at page 4:

> **Regarding claim 39**, Baum et al. further teach wherein the parameters for configuring the information transmission device comprise information related to telephony signals generated by the information transmission device **(col. 25 lines 3-27, multi-frequency tone is looked up in the memory to retrieve DNIS digit and to find specific parameter information using the DNIS; thus parameter is related to the tone exchanged between network application module and the modem)**.

(emphasis in original)

As shown above, the Office asserts that Baum teaches lookup of a parameter that "is related to the tone exchanged between network application module and the modem." Applicants respectfully submit that, even if Applicants were to agree, *arguendo,* that the cited portion of Baum teaches what is alleged, **which Applicants do not**, the asserted teaching does not support a rejection of the subject matter of claim 39, which recites in part, "wherein the parameters for configuring the information transmission device comprise information related to telephony signals **generated** by the information transmission device." Applicants respectfully submit that the cited portion of Baum teaches that the asserted "multi-frequency tones" are converted and decoded by the "modems" of the "network access server 30." *Id.* at col. 25, lines 3-8. Applicants respectfully submit that to "convert" and/or "decode" is different from and does not teach or suggest that the "modems" generate telephony signals. The cited portion of Baum at col. 25, lines 3-27 is silent with respect to the "modems" of Baum generating telephony signals, let alone providing a teaching or suggestion of "parameters for configuring the information transmission device comprise information related to telephony signals **generated** by the information transmission device," as claimed. Therefore, Applicants respectfully submit that claim 39 is independently allowable over Baum.

Further, **with respect to claim 40**, Applicants respectfully submit that claim 40 depends from allowable claim 39 and is therefore also allowable over Baum for at least

that reason. In addition, the Office cites Baum at col. 20, lines 26-34. That portion of Baum recites the following:

> Multifrequency (MF) tone in-band signalling is used to transmit numerical information and control signals from the telephone company's equipment to the customer's equipment. Quad modem modules 76A-76F detect and decode the MF tones during call set-up. The following paragraphs explain the MF tones, their sequences, and how they are used by the modem modules 76 A-F. It will be appreciated that Dual Tone Multifrequency Tone (DTMF) in-band signaling may also be decoded and used.

While again teaching "detecting" and "decoding" of "MF tones" during call setup, this cited portion of Baum fails to make any mention of a "modem" which generates signals, let alone Applicants' claimed feature "at least one of dual tone multi-frequency (DTMF) signals, dial tone, a busy signal, and a ringing signal". For at least this reason, Applicants respectfully submit that claim 40 is also independently allowable over Baum.

With regard to claim 45, Applicants respectfully submit that claim 45 now recites "wherein the interface circuitry is capable of communicating digitized voice information with the information transmission device." In rejecting claim 45, the Office states, at page 5:

> **Regarding claim 45**, Baum et al. further teach wherein the interface circuitry is capable of exchanging digitized voice information with the information transmission device **(see col. 5 lines 54-55; digital data exchanged between the modem and the network application module ; also see col . 8 lines 5-9; calls (voice) from the call originator are digitized (digital data) and fed into the network server 30)**.

(emphasis in original)

As previously discussed above with respect to amended claim 22, Baum does not teach that the "modems" communicate "digitized voice information." Applicants respectfully submit that the "calls" received by the modems of Baum are not voice calls that communicate "digitized voice information," but instead are data calls that communicate "modem signals" that are different from "voice signals" or "digitized voice

information," as claimed. Thus, the "digital data" allegedly exchanged between the "modem" and the "network application module" of Baum is not "digitized voice information." This is born out by a review of the cited portion of Baum at col. 5, lines 54-55, which is reproduced below:

> In this aspect of the invention, the step of correlating the control signals to the protocol parameters comprises the steps of passing digital data representing the control signal from the modem to the network application module, looking up in the memory the protocol parameters which correspond to the digital data, and then passing the protocol parameters from the network application module to the modem.

It is clear from this portion of Baum that the cited "digital data" being passed is the "control signals" to be used for table lookup to find "protocol parameters" to be passed to the "modem." Applicants respectfully submit that, as shown above, the Office has not shown where the "control signals" of Baum teach or suggest "digitized voice information." The Office fails to explain how and why Baum teaches that the "control signals" used to set up a call or configure a modem would be "digitized voice signals." Therefore, the Applicants respectfully submit that the Office has not shown how and why Baum teaches "wherein the interface circuitry is capable of communicating digitized voice information with the information transmission device," as claimed, has not established a *prima facie* case of anticipation, that Baum therefore does not anticipate Applicants' claim 45, and that claim 45 is allowable over Baum.

Therefore, for at least the reasons set forth above, Applicants respectfully submit that the Office has not shown where the cited art teaches each and every element of Applicants' claims 22, 39, 40, and 45, as required by M.P.E.P. §2131, that the Office has not established a *prima facie* case of anticipation with respect to claim 22 or any claims that depend therefrom, and that claims 22 and its dependent claims are allowable over the cited art. Further, Applicants have shown that claims 39, 40 and 45 are independently allowable over the cited art. Accordingly, Applicants respectfully request that the rejection of claims 22, 27, 28, 34, 37-41, 43, 45, and 46 under 35 U.S.C. §102(e) be reconsidered and withdrawn.

With regard to independent claims 47 and 60, Applicants respectfully submit that prior to the current amendments, claims 47 and 60 recited features similar to those of claim 22, and are allowable over the cited art for at least some of the same reasons set forth above and during prior prosecution with respect to claim 22. Further, claims 47 and 60 have been amended in a manner similar to that of claim 22 to further clarify certain distinguishing aspects of Applicants' claims, so that they now recite features similar in many ways to those of amended claim 22. Accordingly, Applicants respectfully submit that claims 47 and 60, and their depend claims, are allowable over the cited art for many of the reasons set forth above. Accordingly, Applicants respectfully request that the rejection of claims 47, 52-55, 57-60, and 65-69 under 35 U.S.C. §102(e) be reconsidered and withdrawn.

II. The Proposed Combination Of Baum And Henley Does Not Render Claims 23-25, 29-33, 44, 48-51, 56, And 61-63 Unpatentable

Claims 23-25, 29-33, 44, 48-51, 56, and 61-63 were rejected under 35 U.S.C. §103(a) as being unpatentable over Baum in view of Henley. Applicants respectfully submit that claims 23-25, 29-33, and 44, claims 48-51 and 56, and claims 61-63 depend, respectively, from independent claims 22, 47, and 60. Applicants respectfully submit that claims 22, 47, and 60 are allowable over the cited art, in that the Office does not assert that Henley remedies any of the shortcomings of Baum, set forth above. Because independent claims 22, 47, and 60 are allowable over the cited art, Applicants respectfully submit that claims 23-25, 29-33, 44, 48-51, 56, and 61-63 that depend therefrom are also allowable, for at least the same reasons. Accordingly, Applicants respectfully request that the rejections of claims 23-25, 29-33, 44, 48-51, 56, and 61-63 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

III. The Proposed Combination Of Baum, Henley And Lev Does Not Render Claims 26 And 64 Unpatentable

Claims 26 and 64 were rejected under 35 U.S.C. §103(a) as being unpatentable over Baum and Henley, in view of Lev. Applicants respectfully submit that claims 26 and 64 depend, respectively, from claims 22 and 60. Applicants respectfully submit that claims

22 and 60 are allowable over the cited art, in that the Office does not assert that the cited art overcomes the deficiencies of Baum, set forth above. Because independent claims 22 and 60 are allowable over the cited art, Applicants respectfully submit that claims 26 and 64 that depend therefrom are also allowable, for at least the same reasons. Accordingly, Applicants respectfully request that the rejections of claims 26 and 64 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

IV. The Proposed Combination Of Baum And Barak Does Not Render Claim 35 Unpatentable

Claim 35 was rejected under 35 U.S.C. §103(a) as being unpatentable over Baum in view of Barak. Applicants respectfully submit that claim 35 depends from claim 22. Applicants respectfully submit that claim 22 is allowable over the cited art, in that the Office does not show that the cited art overcomes the deficiencies of Baum, set forth above. Because independent claim 22 is allowable over the cited art, Applicants respectfully submit that claim 35 that depends therefrom is also allowable, for at least the same reasons. Accordingly, Applicants respectfully request that the rejection of claim 35 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

V. The Proposed Combination Of Baum And Fleischer, III Does Not Render Claim 36 Unpatentable

Claim 36 was rejected under 35 U.S.C. §103(a) as being unpatentable over Baum in view of Fleischer, III. Applicants respectfully submit that claim 36 depends from claim 22. Applicants respectfully submit that claim 22 is allowable over the cited art, in that the Office does not show that the cited art overcomes the deficiencies of Baum, set forth above. Because independent claim 22 is allowable over the cited art, Applicants respectfully submit that claim 36 that depends therefrom is also allowable, for at least the same reasons. Accordingly, Applicants respectfully request that the rejection of claim 36 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

VI. The Proposed Combination Of Baum And Sharman Does Not Render Claim 42 Unpatentable

Claim 42 was rejected under 35 U.S.C. §103(a) as being unpatentable over Baum in view of Sharman. Applicants respectfully submit that claim 42 depends from claim 22. Applicants respectfully submit that claim 22 is allowable over the cited art, in that the Office does not show that the cited art overcomes the deficiencies of Baum, set forth above. Because independent claim 22 is allowable over the cited art, Applicants respectfully submit that claim 42 that depends therefrom is also allowable, for at least the same reasons. Accordingly, Applicants respectfully request that the rejection of claim 42 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

Conclusion

In general, the Office Action makes various statements regarding the claims and the cited references that are now moot in light of the above. Thus, Applicants will not address such statements at the present time. However, Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a rejection of any current or future claim).

Applicants believe that all of pending claims 22-69 are in condition for allowance. Should the Examiner disagree or have any questions regarding this submission, the Applicants invite the Examiner to telephone the undersigned at (312) 775-8000.

A Notice of Allowability is courteously solicited.

The Commissioner is hereby authorized to charge any fees required by this submission to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Respectfully submitted,

Dated: September 21, 2009

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